



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

August 27, 2019

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John Charles Loraditch, M.D.


Re: License No. 223758

Dear Dr. Loraditch:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 19-221. This order and any penalty provided therein goes into effect September 3, 2019.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,


Paula M. Breen
Acting Director
Board for Professional Medical Conduct

Enclosure

IN THE MATTER
OF
JOHN CHARLES LORADITCH, M.D.

BPMC No. 19-221
DIRECTOR'S
SECOND
MODIFICATION
ORDER

Respondent, JOHN CHARLES LORADITCH, M.D., is currently subject to BPMC Order # 16-125 (Attachment I) (henceforth "Original Order"), which was issued upon a Consent Agreement signed by Respondent, and which went into effect on April 21, 2016. The Original Order imposed various Penalties, Probation Terms, and Conditions, and also provided the Director of the Office of Professional Medical Conduct the authority and discretion to order subsequent modifications of the Original Order. BPMC Order # 16-125 and all of its Penalties, Limitations, Probation Terms, and Conditions shall continue to apply except as modified in BPMC Director's First Modification Order # 16-390 (Attachment II) (henceforth "Director's First Modification Order") and this Director's Second Modification Order.

The Probation Terms and Conditions imposed in the Director's First Modification Order included the following:

- Pursuant to N.Y. Pub. Health Law § 230-a(9), effective upon resumption of medical practice in New York State, in an approved retraining or residency program, Respondent shall be placed on probation for a period of five years or until successful completion of retraining to the satisfaction of the Director, whichever is later, subject to the terms set forth in Exhibit "B" of the Original Order. The Director reserves the authority, in his sole discretion, to impose additional Probation Terms and Conditions, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the OPMC investigation of Respondent, the CCA results and recommendations, the Preceptor's reports, and Respondent's

practice in the future, as well as any Probation Terms as are necessary to protect the public health. The Director may also extend the period of Probation.

The following Modification is hereby ordered with regard to the Probation Terms and Conditions imposed in the Director's First Modification Order as set forth above:

- Pursuant to N.Y. Pub. Health Law § 230-a(9), effective upon resumption of medical practice in New York State, in an approved residency program, Respondent shall be placed on probation until successful completion of a residency program to the satisfaction of the Director, and shall remain on probation for three years subsequent to successful completion, subject to the terms set forth in Exhibit "B" of the Original Order. The Director reserves the authority, in the Director's sole discretion, to impose additional Probation Terms and Conditions, based upon all relevant facts and circumstances then known to the Director, including, but not limited to, those related to the OPMC investigation of Respondent, the CCA results and recommendations, the Preceptor's reports, and Respondent's practice in the future, as well as any Probation Terms as are necessary to protect the public health. The Director may also extend the period of Probation.

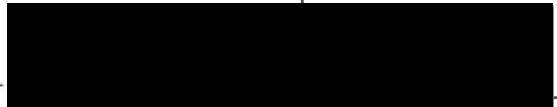
The Director reserves the authority, in the Director's sole discretion, to subsequently stay, add, impose, re-impose, extend, or otherwise modify the limitations, probation and/or other terms, penalties and conditions imposed upon Respondent's practice pursuant to BPMC Order No. 16-125, the Director's First Modification Order, BPMC Order # 16-390, and this Director's Second Modification Order as the Director may determine appropriate, based upon all relevant facts and circumstances then known to the Director, including, but not limited to, those related to the underlying OPMC investigation of Respondent, the CCA results and recommendations, CPH reports, psychiatric evaluations, therapist reports, and Respondent's practice in the future, as are necessary to protect the public health.

THE ABOVE IS HEREBY ORDERED; and

it is further

ORDERED, that this Order shall be effective upon issuance and mailing by first class mail to Respondent at the address in the attached Consent Agreement or at any other address known to the Office of Professional Medical Conduct.

DATE: 8/24/19



PAULA M. BREEN
Acting Director
Office of Professional Medical Conduct

ATTACHMENT I



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

April 14, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John C. Loraditch, M.D.



Re: License No. 223758

Dear Dr. Loraditch:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 16-125. This order and any penalty provided therein goes into effect April 21, 2016.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,



Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Lawrence Kobak, Esq.
Kern Augustline Conroy & Schoppmann, P.C.
865 Merrick Avenue, Suite 200 South
Westbury, New York 11590

IN THE MATTER
OF
JOHN CHARLES LORADITCH, M.D.

CONSENT
ORDER

Upon the application of (Respondent) JOHN CHARLES LORADITCH, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,

either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 4/13/2016


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN CHARLES LORADITCH, M.D.

CONSENT
AGREEMENT

JOHN CHARLES LORADITCH, M.D., represents that all of the following statements are true:

That on or about January 23, 2002, I was licensed to practice as a physician in the State of New York, and issued License No. 223750 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", which is attached to and part of this Consent Agreement.

I agree not to contest the allegations in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be subject to a License Limitation precluding the practice of medicine until I successfully complete a clinical competency assessment (CCA), as directed by the Director of OPMC (Director). After reviewing the CCA results and recommendations, the Director, in his sole discretion and as set forth below, may stay the License Limitation in part or in its entirety. Pursuant to N.Y. Pub. Health Law § 230-a(9), the Director may also subsequently reinstate the License Limitation in part or in its entirety, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to my practice in the future.

Pursuant to N.Y. Pub. Health Law § 230-a(9), upon any stay of the License Limitation, I shall be placed on probation for a period of five years, subject to, at a minimum, the terms set forth in attached Exhibit "B." The Director, in his sole discretion, may impose additional Probation Terms and Conditions, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and my practice in the future, as well as any additional Probation Terms and Conditions as are necessary to

protect the public health. The Director may also extend the period of Probation.

I further agree that the Consent Order shall impose the following Conditions:

That Respondent shall obtain a CCA performed by a program for such assessment, as directed by the Director. Respondent shall complete the assessment to the satisfaction of the Director, and shall cause a written report of such assessment to be provided directly to the Director within 60 days of the effective date of this Consent Order. Respondent shall be responsible for all expenses related to the CCA and shall provide to the Director proof of full payment of all costs that may be charged. This Condition shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall constitute a violation of this Consent Order.

That, as directed by the Director and within 60 days following the completion of the CCA, the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved, in writing, by the Director. The Respondent shall cause the Preceptor to:

Develop and submit to the Director for written approval a remediation plan, which addresses the deficiencies /retraining recommendations identified in

the CCA. Additionally, this proposal shall establish a timeframe for completion of the remediation program.

Submit progress reports at periods identified by OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.

Report immediately to the Director if the Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by the Respondent.

At the conclusion of the program, submit to the Director a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies.

That Respondent shall be subject to any further Terms of Probation as the Director, in his sole discretion, may impose, based upon the results and recommendations of the CCA; by making this Application, Respondent stipulates specifically that the Director has this authority.

That Respondent shall be solely responsible for all expenses associated with the terms and conditions of this Consent Order, including fees, if any, for the clinical competency assessment, the personalized continuing medical education program,

the Practice Monitor or otherwise associated with the monitoring, and as further set forth in Exhibit "B".

That Respondent shall comply with each and every penalty imposed by this Consent Order pursuant to N.Y. Pub. Health Law § 230-a.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in

In addition to such periodic reports and notification of any changes, update his profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and

telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 8530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §5 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 11 APR 2016



JOHN LORADITCH, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 4/12/2016



LAWRENCE KOBAK, ESQ.
Attorney for Respondent

DATE: April 12, 2016



MARCIA E. KAPLAN
Associate Council
Bureau of Professional Medical Conduct

DATE: 4/13/16



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

IN THE MATTER
OF
JOHN CHARLES LORADITCH, M.D.

STATEMENT
OF
CHARGES

JOHN CHARLES LORADITCH, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 23, 2002, by the issuance of license number 223758 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. During periods from in or about 2009 through 2014, Respondent failed to render appropriate care and treatment to Patients A-I in the Bronx Lebanon Hospital Center Emergency Department in that he failed to perform appropriate evaluations of, and failed to render appropriate treatment to, these patients.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. Paragraph A.

DATE: April 12, 2016
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 8530 or 8531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(10).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Within 30 days of the Consent Order's effective date, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.
 - a) Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b) Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c) Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d) Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$8 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
- 9) Respondent shall enroll in and successfully complete a continuing education program; this program is subject to the Director of OPMC's prior written approval and shall be successfully completed within the first 90 days of the probation period.
- 10) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a

violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

ATTACHMENT II



**Department
of Health**

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

December 2, 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John Charles Loradlch, M.D.


Re: License No. 223758

Dear Dr. Loradlch:

Enclosed is a copy of the New York State Board for Professional Medical Conduct BPMC Modification Order No. 16-390. This order and any penalty provided therein goes into effect December 9, 2016.

Please direct any questions to: The Office of Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0845.

Sincerely,



Keith W. Servis
Director
Office of Professional Medical Conduct

Enclosure

cc: Lawrence Kobak, Esq.
Kern, Augustine, Conroy & Schoppmann, PC.
190 Willis Avenue, Suite 210
Mineola, New York 11501

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN CHARLES LORADITCH, M.D.

BPMC No. 16-390
DIRECTOR'S FIRST
MODIFICATION
ORDER

Respondent, JOHN CHARLES LORADITCH, M.D., is currently subject to BPMC Order # 16-125 (Attachment I) (henceforth "Original Order"), which was issued upon an Application For Consent Order signed by Respondent on April 11, 2018. The Original Order imposed various Penalties, Probation Terms, and Conditions, and also provided the Director of the Office of Professional Medical Conduct the authority and discretion to order one or more subsequent modifications of the Original Order.

The Penalties imposed in the Original Order included the following:

Pursuant to N.Y. Pub. Health Law § 230-a(3), ... [Respondent's] license to practice medicine in New York State shall be subject to a License Limitation precluding the practice of medicine until ... [Respondent] successfully complete[s] a clinical competency assessment (CCA), as directed by the Director of OPMC (Director). After reviewing the CCA results and recommendations, the Director, in his sole discretion and as set forth below, may stay the License Limitation in part or in its entirety. Pursuant to N.Y. Pub. Health Law § 230-a(9), the Director may also subsequently reinstate the License Limitation in part or in its entirety, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and/or related to my practice in the future.

Pursuant to N.Y. Pub. Health Law § 230-a(9), upon any stay of the License Limitation, ... [Respondent] shall be placed on probation for a period of five years, subject to, at a minimum, the terms set forth in attached Exhibit "B." The Director, in his sole discretion, may impose additional Probation Terms and Conditions, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the current OPMC investigation, the CCA results and recommendations, and ... [Respondent's] practice in the future, as well as any additional Probation Terms and Conditions as are necessary to protect the public health. The Director may also extend the period of Probation.

The Conditions Imposed in the Original Order included the following:

That Respondent shall obtain a CCA performed by a program for such assessment, as directed by the Director. Respondent shall complete the assessment to the satisfaction of the Director, and shall cause a written report of such assessment to be provided directly to the Director within 60 days of the effective date of this Consent Order. Respondent shall be responsible for all expenses related to the CCA and shall provide to the Director proof of full payment of all costs that may be charged. This Condition shall not be satisfied in the absence of actual receipt, by the Director, of such documentation, and any failure to satisfy shall constitute a violation of this Consent Order.

That, as directed by the Director and within 60 days following the completion of the CCA, the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved, in writing, by the Director. The Respondent shall cause the Preceptor to:

Develop and submit to the Director for written approval a remediation plan, which addresses the deficiencies/retraining recommendations identified in the CCA. Additionally, this proposal shall establish a timeframe for completion of the remediation program.

Submit progress reports at periods identified by OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.

Report immediately to the Director if the Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by the Respondent.

At the conclusion of the program, submit to the Director a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies.

That Respondent shall be subject to any further Terms of Probation as the Director, in his sole discretion, may impose, based upon the results and recommendations of the CCA; by making this Application, Respondent stipulates specifically that the Director has this authority.

As the Respondent has successfully completed a clinical competency assessment (CCA) as directed by the Director of OPMC (Director), and the Director has reviewed the CCA results, assessments, and recommendations:

The following Modification is hereby ordered with regard to the Penalties imposed in the original order as set forth above:

The License Limitation pursuant to N.Y. Pub. Health Law § 230-a(3), precluding Respondent's practice of medicine entirely until successful completion of a clinical competency assessment (CCA), is hereby Stayed, in part and conditionally as set forth below, to permit Respondent to practice medicine solely within an approved retraining or residency program in primary care or Internal medicine, but not in emergency medicine. The Original Order shall continue to preclude any practice of emergency medicine, and no modification of this provision is contemplated at any time. The Original Order shall also continue to preclude any practice of medicine in a retraining or residency program until and unless Respondent receives the Director's approval, in writing, of a specific retraining or residency program within which Respondent may practice. No other medical practice shall be permitted, absent further Order of the Director, in his sole discretion, following Respondent's completion of an approved retraining or residency program and based on all relevant facts and circumstances as set forth below.

The stay is conditional insofar as the Director reserves the authority and discretion to subsequently reinstate the License Limitation in part or in its entirety, or otherwise modify the terms of Respondent's practice, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the OPMC investigation of Respondent, the CCA results and recommendations, the Preceptor's reports, and/or related to Respondent's practice in the future.

Pursuant to N.Y. Pub. Health Law § 230-a(9), effective upon resumption of medical practice in New York State, in an approved retraining or residency program, Respondent shall be placed on probation for a period of five years or until successful completion of retraining to the satisfaction of the Director, whichever is later, subject to the terms set forth in Exhibit "B" of the Original

Order. The Director reserves the authority, in his sole discretion, to impose additional Probation Terms and Conditions, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the OPMC investigation of Respondent, the CCA results and recommendations, the Preceptor's reports, and Respondent's practice in the future, as well as any additional Probation Terms as are necessary to protect the public health. The Director may also extend the period of Probation.

and

The following Modification is hereby ordered with regard to the Conditions imposed in the

Original Order as set forth above:

As directed by the Director and prior to resuming medical practice under the terms of this First Modification Order, the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved, in writing, by the Director. The Respondent shall cause the Preceptor to:

- Develop and submit to the Director for written approval a remediation plan, which addresses the deficiencies /retraining recommendations identified in the CCA. Additionally, this proposal shall establish a timeframe for completion of the remediation program.
- Submit progress reports to OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan; these reports shall be submitted on a monthly basis for the first three months and then quarterly afterwards, unless otherwise directed by the Director.
- Report immediately to the Director if the Respondent withdraws from the program and report promptly to OPMC any significant pattern (as will be defined by OPMC) of non-compliance by the Respondent.

- At the conclusion of the program, submit to the Director a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies, a recommendation regarding the need for any further remediation or training, and any recommendation regarding advisable restrictions, if any, on Respondent's future medical practice.

The Director reserves the authority to further modify the Conditions as the Director, in his sole discretion, may determine appropriate, based upon all relevant facts and circumstances then known to him, including, but not limited to, those related to the OPMC investigation of Respondent, the CCA results and recommendations, the Preceptor's reports, and Respondent's practice in the future, as well as any additional Probation Terms as are necessary to protect the public health.

THE ABOVE IS HEREBY ORDERED; and

It is further

ORDERED, that this Order shall be effective upon issuance and mailing by first class mail to Respondent at the address in the attached Consent Agreement or at any other address known to the Office of Professional Medical Conduct.

DATE: 12/1/14


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

ATTACHMENT I

Geo order of Ct. April 14, 2016